



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

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DIVISION OF
RECYCLING

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SUBJECT: Cullet “availability” guideline for minimum recycled-content waiver requests

The Department of Conservation (Department), Division of Recycling has received requests to clarify policy on requests for waivers or reductions based on availability of cullet for minimum content requirements for glass container manufacturers and fiberglass manufacturers.

At this time, reports of glass cullet sold by beneficiating processors and used in the production of containers and fiberglass do not provide the detail necessary to effectively evaluate a manufacturer's request for waiver or reduction based on “unavailability” of cullet. The Department currently does not have the authority to require such detailed reporting, and there are no regulations to allow more extensive data collection and therefore a more effective evaluation of available cullet.

For now, the Department will use the following guideline to evaluate such requests:

- If statewide annual container cullet used by container and fiberglass manufacturers in California is greater than or equal to 100 percent of the amount of glass collected through the redemption system, then manufacturers are presumed to have fulfilled their recycled-content obligation.

If this condition is met, the Department may grant glass container or fiberglass manufacturers a reduction in the required percentage equal to the actual percentage used.

The statewide container cullet tonnage used by container and fiberglass manufacturers will be based on monthly container manufacturer *Reports of Recycled Glass Content* and annual *Fiberglass Minimum Content Reports*. The total glass collected through the redemption system will be based on the annual weight of glass purchased by Beneficiating Processors, as reported in the monthly *Scrap Value Survey*. In its evaluation, the Department will apply the average annual cullet collected

and used during the most recent three calendar years. For container manufacturers, the Department will subtract from the total amount used the plate glass used annually by the fiberglass industry, as current statute does not allow use of plate cullet to meet the minimum recycled content for containers. We estimate annual plate glass used in fiberglass to be 50,000 tons.

Even if 100 percent of cullet has not been used as determined above, the Department may nevertheless grant a waiver or reduction for cullet unavailability on a case-by-case basis. In such cases, the Department may require a manufacturer to provide additional documentation, including but not limited to:

- Records indicating the percentage of material "lost" during beneficiation, to account for non-glass contaminants eliminated during final processing.
- Records of actual plate glass purchases, to adjust the Department's estimate of total plate cullet used.
- Records of all cullet purchases during the year, and any offers of cullet rejected by the manufacturer, and reasons for rejection.
- Letters from potential suppliers indicating no additional cullet was available for purchase by the manufacturer.
- The cost of raw materials used by the manufacturer.
- The cost of cullet purchased by the manufacturer, by color.
- Evidence cullet offered for sale exceeded the manufacturer's maximum specifications for contamination.
- Evidence cullet offered for sale was not collected in California.

If you have questions about this topic, please contact Jim Hill at jhill@consrv.ca.gov or (916) 327-2775.

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